

**National Parks Overflights Advisory Group (NPOAG) Meeting
September 3 & 4, 2008
Olympic National Park, National Park Service Office
Summary of Minutes**

Chair Barry Brayer, FAA
Co-Chair Karen Trevino, NPS

Members present:

Matthew Zuccaro, Helicopter Association International (HAI)
Alan Stephen, Fixed wing air tour representative
Chip Dennerlein, Siskiyou Project
Kristen Brengel, The Wilderness Society
Bryan Faehner representing Don Barger, National Parks Conservation Assn. (NPCA)
Elling Halvorson, Papillon Airways
Gregory Miller, American Hiking Society
Melissa Rudinger, Aircraft Owners and Pilots Association (AOPA)
No tribal representatives were present.

FAA representatives attending:

Bill Withycombe, FAA Western Pacific Regional Administrator
James Whitlow, Deputy General Counsel (participated on day 1)
Dennis Pratte, Manager 135 Air Carrier Operations Branch
Norm Elrod, 135 Air Carrier Operations Branch
Peter Ciesla, Special Programs Office
Keith Lusk, Special Programs Office
Roland McKee, National Air Tour Safety Office (NATSO)
Paul Joly, NATSO

NPS representatives attending:

Cindy Orlando, Hawaii Volcanoes NP Park Superintendent (participated on day 1)
Karen Gustin, Olympic National Park (NP) Superintendent (participated on day 1)
Larry Nikey, Olympic NP Deputy Superintendent
Vicki McCusker, Natural Sounds Program Office, (NSPO)
Frank Turina, NSPO
Lelaina Marin, NSPO
Carla Mattix, Department of Interior, Solicitor (participated by telcon for part of day 1)

Other Attendees:

Michael Mayer, The Louis Berger Group
Judith Morris representing Congressman Norm Dicks (D-WA)

Shawn Bills representing Senator Patty Murray (D-WA) (participated on day 2)
John Dillon, Grand Canyon Airlines
Gordon Hempton, One Square Inch

Day One:

Meeting called to order at 8:00 am by Barry Brayer.
Barry asked for introductions by all members and attendees.
Call-in number is available for meeting.

Bill Withycombe Opening Comments

- FAA and NPS have different missions.
- Progress has been slow, so seeking help of NPOAG to help us with the process.
- Trying to strike balance between air tour industry and national parks.

Welcome Comments by Karen Gustin, Olympic NP Superintendent

- New to the park , has been there just six weeks, has a private pilot's license and has flown at the Grand Canyon, so she appreciates both park and aviation interests.
- Olympic NP is almost 1 million acres of which 95 percent is wilderness.
- Air tours managed similar to wilderness management.
- Very narrow flying window at Olympic, weather limits flights, considerations are wilderness, threatened and endangered species.
- Elwha Dam Project – 2 dams being decommissioned to restore salmon to ecosystem.

Welcome Comments by Larry Nikey, Olympic NP Deputy Superintendent

- Very few operators at Olympic due to the weather, September is a heavy month for operations.
- Park uses smallest most quiet aircraft to monitor park species such as owls and other T&E species, use same tour companies for park monitoring.
- Most active air tour operator is from Canada, have float airplanes.
- Have high MOA for military aircraft off coast, military are good at staying out of park
- Some complaints over high commercial flights flying in / out of SEATAC, but can't reroute flights without affecting other parks (North Cascades or Mt. Rainier).

Barry Brayer - Chairman's Report

- Sad news about Richard Deertrack.
- Welcomed new member, Kristen Brengel.
- Two Native American memberships coming up to the end of their terms next year.
- Cindy Orlando asked if Native Hawaiians can fill the Native American position.
- James Whitlow will take a look at this question and get back with the group.

- The ATMP program has an expenditure plan to ensure funds are fully utilized for the ATMP program and that no funds would be canceled.
- ATMP expenditures include efforts on the Aviation Environmental Design Tool (AEDT) Model.
- Expenditures also include a noise dose-response workshop in October and additional park ambient noise monitoring efforts.
- Members asked for a briefing on the AEDT model (from someone at FAA's Office of Environment and Energy) at the next NPOAG.
- Chip requested that we need to include a follow-up on the items from the previous NPOAG meeting, such as the ATOA database, new entrant requests, IOA at Kalaupapa, and low activity expedited parks.
- FAA reauthorization not approved, FAA is working on a continuing resolution, that will take us through the end of September 2008.
- Karen asked that the subgroups description shown in the Chairman's report be updated, concern over use of term "argue" on the slide.

Karen Trevino's Report

- NPS is developing its own agency guidance on how to process requests from new entrant air tour operators at national parks.
- FAA had released agency guidance, in the 8900.1 Handbook, last week.
- Introduced Gordon Hempton with the One Square Inch Project for natural quiet.
- Gordon is an acoustics expert and Karen would like to add Gordon's presentation to the NPOAG agenda.
- Mike Soukup has retired, Bert Frost his deputy has taken over the position.
- The Natural Sounds Program Office now has funding to parks to fund ATMP acoustic monitoring or planning programs.
- Funded 10 parks, and ATMP training module at 3 regional workshops and 6 parks.
- Worked with Dennis Pratte on the Hawaii Air Tour Common Procedures Manual.
- Park Superintendents at two New York parks approved two new entrant air tour operator requests.
- Internal park service staff and lawyers are now looking at whether park superintendents can approve new entrant requests.
- Checking if specific delegation of authority is needed to approve requests and to standardize this process within the NPS.
- Karen supports the two approved New York park air tour operations unless something has changed.

Forts Collins NPOAG Meeting Minutes

Barry asked for a motion to approve the meeting minutes from the last NPOAG meeting at Fort Collins in September 2007. Matt approved, Elling seconded, and all members approved.

ATMP Program Briefing

- Keith Lusk briefed on the Mount Rushmore and Badlands ATMP Environmental Assessments.
- The agencies have updated the alternatives and the level of operations studied in the Mount Rushmore EA.
- Black Hills Aerial had requested additional air tour operations to fly over the Memorial and then bought out Mount Rushmore Helicopters.
- James Whitlow indicated the Office of the Chief Counsel is reviewing whether the company legitimately bought the IOA.
- A Mount Rushmore Preliminary Draft EA is being reviewed by the agencies.
- Karen indicated she did not agree with evaluating impacts above the 5,600 operational level, since they have determined that this is already above the impairment level. The lawyers have been involved and it is still a sticking point.
- At this point Chip and Elling asked that James provide his IOA briefing since many questions were being raised early and his presentation may be able to provide the answers.

James Whitlow Briefing

- IOA cannot be increased without an agreement from both FAA and NPS.
- FAA has to look at safety, NPS has to look at protection of park resources.
- FAA recommends that operators seek IOA increase approvals starting with NPS, since the approval is primarily in their court.
- Karen indicated her staff will develop an NPS strawman for procedures and process in handling IOA requests.
- Karen suggested an MOU between FAA / NPS / air tour operators.
- Dennis indicated the FAA has published procedures for their Flight Standards District Offices (FSDO's) on handling request from air tour operators (8900.1 CHG 22).
- This information can be accessed by going to <http://FSIMS.FAA.GOV> and typing in ATMP.
- Elling asked how we check if operators are flying above the IOA granted. James indicated we do not have any examples. Cindy indicated that they have operators who paid fees for operations that are over their IOA level granted. James indicated the information should be submitted through the FSDO and that Mike Chase/Peter Lynch would act on it.
- Chip was concerned that there is no training being provided, he recommended regional training conferences, visits to the parks and some type of reference handout on the ATMP program.
- James indicated that FAA does not have to determine competition if NPS doesn't approve a new entrant request based on noise concern.
- Procedurally the FAA would have to make a determination of competition, provide notice and seek comments, before making a final decision.
- Karen asked whether FAA does training workshops (on ATMP) for FSDOs. Dennis indicated that the inspector's handbook was emailed to every aviation inspector

nationwide. Dennis indicated they had just processed 5 new entrant and 3 increased IOA requests, and they had been in the system for years.

- Karen suggested a resource book for ATMP and include points of contact, references and guidance, NPS did one with military that was successful, and she will bring an example to the next NPOAG. This would be made available to new NPOAG members.
- James discussed the expedited ARC process, and how it was intended to use the aviation rulemaking committee process to get all the parties together at one time, and if there was agreement, to prepare an expedited ATMP.
- Originally called the ARC process, now the expedited ATMP park because other processes (i.e. NEPA) must be followed. FAA has CATEX for this action, NPS does not. Karen indicated that after a few of these are done, based on experience acquired, they may be able to go to CEQ to get a new CATEX to cover this action for NPS in future.
- Process was meant to only be used for parks with low levels of operations and no controversy. If there is agreement we move forward, however if there are any concerns, then we stop the process.
- Chip asked why not close out Lassen under the ARC expedited process, since the operator at the park still retains IOA even though they agreed to no longer fly at the park.
- James did not concur, since there are no flights at the park, and we should be preparing ATMPs for parks with existing air tour operations, it would be a waste of government resources.
- Alan does not believe Death Valley would work as an ARC park, since there are a lot of general aviation operations into the airport inside the park. Also thought that air tour operators landed for lunch, these operations (for purposes of takeoff / landing) are not considered air tours under NPATMA.
- James clarified that the ARC makes the recommendation on the draft ATMP, and it's up to the FAA and NPS to do the environmental, sign a Record of Decision and sign the approved ATMP. There would have to be a public meeting and the draft ATMP would be published in the Federal Register.
- Karen indicated that James' approach for ARC parks could also be used for other than no-controversy parks.
- Kristen expressed concern that the 1st ATMP to be completed would be done via CATEX, that would not be perceived well by various stakeholders and other interests.
- Barry suggested that we initiate the ARC process at Lake Mead National Recreational Area.

ATMP Briefing (Continued)

- Vicki McCusker and Pete Ciesla provided an update on the two Hawaii park ATMP's.
- Currently the alternatives are being refined for the parks and once they are prepared we will publish the alternatives for public and stakeholder comment.
- Trying to prepare a Draft Environmental Impact Statement by the end of 2009.
- Cindy Orlando indicated she is concerned that issues such as jurisdiction and thresholds would hold up completion of the studies.

- Cindy had concerns that the park superintendents were not in attendance at the February 2008 meeting between FAA / NPS / air tour operators. Also, it should not be characterized as a “staff meeting” but an “informational meeting.”
- Vicki will put Social Science Research reports for HALE and HAVO on the ATMP web site. Cindy will check first to see if it was done under VERP.
- Cindy indicated that in Feb / Mar 08, the seismic eruption activity changed the air tour flight activity to a new location, also had a hard landing at a lava viewing site by an air tour aircraft in May 08, and in June 08 a fixed wing air tour aircraft went missing and then wreckage found with crew / passengers dead.
- Chip requested a more definitive date for delivery of the Draft EIS, Cindy indicated that she can’t commit staff to a schedule until she gets following information: map of routes, Quiet Technology definition, impact determination thresholds.
- Lake Mead ATMP effort is still on hold.
- Proposed ARC Park candidate Death Valley has 7 operators with approximately 70 annual operations, and includes Timbisha Shoshone tribal lands inside the park.
- The 2008 Volpe and NPS acoustic monitoring activities were discussed and both Volpe and NPS staff provide support to each others acoustic teams in order to share information.

Dennis Pratte Briefing

- The web based Air Tour Operator database includes input provided by the NPOAG members and also includes Grand Canyon operator reporting.
- Projected it would take 9-12 months to get system up and running with the capability for operators to enter data online.
- Karen suggested that we show another demo of the ATOA database at the next NPOAG.
- NPS contributed \$150,000 towards overall funding for development of the new requirements.
- Dennis explained that the Hawaii Air Tour Common Procedures Manual was applicable to the entire the state of Hawaii and was not specific to any park.
- The Manual only codifies existing operation specifications, no new procedures are being introduced, it allows deviation to fly below 1,500’ Above Ground Level (AGL), once enhanced training and other requirements were met.
- All the helo operators and some fixed wing operators have deviations.
- The Manual included a disclaimer that was coordinated with the NPS, that these safety procedures are separate from and do not affect the preparation of ATMP’s.
- Cindy is concerned that the operators are allowed to fly at 500’ AGL without park approval, and this affects park resources.
- Cindy cited the U.S, Fish and Wildlife letter comment letter indicated that air tour flights should not go below 1,500’ AGL.
- Karen indicated that the FAA is not required to help protect park resources but NPS would like the FAA to work with the park.
- Dennis indicated that no deviation has been issued under the new Manual.

- Cindy commented that there are areas of the park that contain threatened and endangered species, people at the park, and monitoring equipment, that would be affected.
- Cindy indicated she is mandated and legislated to protect park resources and people at the park.
- Karen commented that the new Manual is better than what we had in the past, since it limits the flight floor to 500' AGL.
- Elling indicated there is an HAI sponsored meeting in Hawaii the first week of November with the air tour operators and he suggests that the operators can work with the park to protect resources.
- Cindy indicated the solution is to limit flights, so the operators may not be receptive.
- Matt would like to invite Cindy to a separate meeting with the operators some time during the November HAI conference.
- James indicated that the FAA cannot impose restrictions based solely on environmental concerns, FAA can impose restrictions only based on safety / efficiency issues.
- Alan indicated that the park cannot make ad-hoc mitigation measures at the park.
- Cindy indicated that the Federal Register notice for the Manual took the park by surprise. Dennis indicated they wanted to give the public a chance to comment on it, didn't receive too many comments from public.

Michael Mayer - Adaptive Management Briefing

- Michael working for NPS to develop adaptive management procedures.
- Adaptive management process now allows for a feedback loop after the environmental process is completed, which includes monitoring and the ability to modify the actions.

Gordon Hempton – One Square Inch

- Monitors sounds and looks for quiet places throughout the country and world.
- Quiet places are quickly disappearing.
- One square inch project identifies areas where there is 15 minutes of noise free intervals.
- Started with 21 places, now down to only three that are left.
- Olympic NP is one of the quietest parks in the country.

Remarks by Other Attendees

No other comments

Action Items List

1. James Whitlow will take a look at whether Native Hawaiians are eligible to fill a Native American position on the NPOAG and he will get back with the group.
2. Members asked for a briefing on the AEDT model at the next NPOAG.
3. Karen indicated her staff will develop an NPS strawman for procedures and process in handling IOA requests.
4. Karen will bring NPS / military example of an ATMP resource book to next NPOAG.
5. Vicki will put HALE and HAVO Social Science Research reports on ATMP web site after Cindy checks to see if they were under VERP.
6. Karen suggested another ATOA presentation update at next NPOAG meeting.

Day 2 Strategic Planning Session

Meeting notes and a work plan will be provided separately by Bob Wheeler, Triangle Associates, the meeting facilitator.